

Statutory Instruments

S. I. No. 700 of 2003

BRUCELLOSIS IN CATTLE (GENERAL PROVISIONS) (AMENDMENT)
ORDER, 2003

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S. I. No. 700 of 2003

Brucellosis in Cattle (General Provisions) (Amendment) Order, 2003

I, Joe Walsh, Minister for Agriculture and Food, in exercise of the powers conferred on me by sections 3, 13, 15 and 27 of the Diseases of Animals Act, 1966 (No. 6 of 1966), as amended by the Diseases of Animals (Amendment) Act, 2001 (Number 3 of 2001) (as adapted by the Agriculture, Food and Rural Development (Alteration of Name of Department and Title of Minister) Order 2002 (S. I. No. 306 of 2002), hereby order as follows:

1. (1) This Order may be cited as the Brucellosis in Cattle (General Provisions)(Amendment) Order, 2003.

(2) This Order shall come into effect on the 18th day of December, 2003.

2. In this Order -

“the Act” means the Diseases of Animals Act, 1966 (Number 6 of 1966), as amended;

“the Principal Order” means the Brucellosis in Cattle (General Provisions) Order,1991 (S.I. No. 114 of 1991);

“the 1996 Order” means the Brucellosis in Cattle (General Provisions)(Amendment) Order, 1996 (S.I. No. 86 of 1996);

“the 1998 Order” means the Brucellosis in Cattle (General Provisions)(Amendment) Order, 1998 (S.I. No. 39 of 1998);

“the 2001 Order” means the Brucellosis in Cattle (General Provisions)(Amendment) Order, 2001 (S.I. No. 229 of 2001);

“the 2002 Order” means the Brucellosis in Cattle (General Provisions)(Amendment) Order, 2002 (S.I.No. 415 of 2002);

“assembly centre” has the meaning assigned to it by the European Communities (Assembly Centres) Regulations, 2000 (S.I. No. 257 of 2000).

3. “Article 2 of the Principal Order is hereby amended by the substituting, for the definition of “authorised officer” the following definition –

“authorised officer” has the same meaning as in section 17A (inserted by the Diseases of Animals (Amendment) Act, 2001) (Number 3 of 2001) of the Act.

4. Article 5 (2) (b) of the Principal Order, as inserted by Article 4 of the 1996 Order, is hereby amended by the substitution of the of the following subparagraph -

“(b) where a registered veterinary surgeon, a veterinary inspector or an officer of the Minister authorised under section 25 (3) of the Act to take a sample enters on any land with the intention of thereon taking samples,

(i) he shall, if the Minister so directs, require the owner, occupier or person in charge of the land to make a declaration in writing in the form specified in the First Schedule of this Order, and

(ii) the owner, occupier or person in charge of the land shall append his signature to the declaration.

5. The Principal Order is hereby amended by the insertion of the following Article:

“5A. A test on a herd shall not be carried out without the approval of a veterinary inspector.”

6. Article 7 (1) of the Principal Order is hereby amended by the substitution of the following:

“(1) Where a veterinary inspector is satisfied that there is a reactor on a holding or has reasonable grounds for suspecting that –

(a) brucellosis may be present on a holding, or

(b) as respects any animal on a holding any provision of the Act or of the Principal Order has not been complied with,

he shall, by notice in writing, served, or causing to be served, on the owner, occupier or person in charge of the holding, declare the holding to be a restricted holding. A veterinary inspector may attach such conditions (if any) which he considers appropriate to the notice declaring a holding to be a restricted holding.

7. Article 7 (3) of the Principal Order, as inserted by Article 6 of the 2001 Order, is hereby amended by the substitution of the following:

“7 (3) In case a holding is declared under paragraph (1) of this Article to be a restricted holding, then for as long as the holding remains a restricted holding the following provisions shall apply, namely –

(a) no bovine animal shall be moved into or out of the holding except under and in accordance with the terms of a movement permit or in accordance with conditions laid down by a veterinary inspector;

(b) no eligible animal or female animal aged less than 12 months shall be moved off the land on which it was present at the time when the notification under paragraph (1) of this Article was received except under and in accordance with the terms of a movement permit; and

(c) a veterinary inspector may by notice served, or caused to be served, on the owner, occupier or person in charge of the holding require that an eligible animal or animals be housed or confined to a designated part of the holding for the period specified in the notice.”

8. Article 7 (4) of the Principal Order is hereby amended by the substitution of the following:

“(4) Where, by reference to a subsequent investigation, a veterinary inspector is satisfied and so informs either the owner, occupier or person in charge of a restricted holding that the holding is free from brucellosis and that the provisions of the Act and the Principal Order are being complied with as respects the animals on the holding and at the same time gives or sends or causes to be given or sent to the owner, occupier or person in charge of the holding a notice to this effect, the holding shall cease to be a restricted holding.

9. Article 8 of the Principal Order is hereby amended by the substitution of the following:

“8. Where, as a result of any test of any animal or otherwise, a reactor is disclosed the following provisions shall apply –

(a) a mark consisting of a diamond shaped hole of 1.5 centimetres on each side and punched in the left ear may be applied to the reactor and a tag bearing a yellow disc may be attached to the same ear of the reactor and such mark shall be applied and such tag attached only by a veterinary inspector or by an officer of the Minister authorised under section 25 (3) of the Act to apply such mark and to attach such tag and the owner or person in charge of the reactor shall permit such an inspector or an officer so authorised to mark and tag the reactor.

(b) the owner or person in charge of the reactor shall immediately take all practicable steps to secure the effective isolation of the reactor and its maintenance pending its being removed for slaughter in accordance with this Order.”

10. Paragraph (2) of Article 18 of the Principal Order, as inserted by the 1998 Order, is hereby substituted by the following:

“(2) An eligible animal may not be moved into or out of any holding other than directly to a premises at which it is to be slaughtered or in the case of eligible male animals directly to an approved assembly centre for onward movement to slaughter in a country not requiring such a test unless –

(a) the animal has passed a blood test for brucellosis within the period of 30 days prior to the day on which the animal is so moved, and

(b) the date of such blood test is specified on the passport or cattle identity card in respect of such animal or movement permit issued in respect of such movement.”

11. The Schedule to the 2002 Order is hereby revoked.

GIVEN under my Official Seal

this ____ day of December, 2003

Joe Walsh
Minister for Agriculture and Food

Explanatory Note

(This note is not part of the instrument and does not purport to be a legal interpretation).

This Order provides for (i) the approval of a veterinary inspector being required for testing a herd for brucellosis; (ii) the de-Scheduling of the Restriction and de-Restriction Notices; (iii) the discretionary identification of reactor animals, (iv) a derogation from the 30 day premovement test for eligible male animals (viz. entire males aged 12 months or over) moving direct from a farm to an assembly centre for export for slaughter to a country not requiring a premovement test.

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